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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,957	01/15/2002	Klein A. Rodriguez	1991-ALC	5375

7590

06/08/2004

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EXAMINER

MRUK, BRIAN P

ART UNIT

PAPER NUMBER

1751

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,957

Examiner

Brian P Mruk

Applicant(s)

RODRIGUES ET AL.

Art Unit

1751

~ The MAILING DATE of this communication appears on the cover sheet with the correspondence address ~
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12-17-03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's amendment filed March 29, 2004. Applicant has amended claims 1, 4, 7-10 and 12-16. Currently, claims 1-17 remain pending in the application.
2. The text of those sections of Title 35 U.S. Code not included in this action can be found in the prior Office action, Paper No. 4.
3. The rejection of claim 15 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendments and remarks.
4. The rejection of claims 1-10 and 12-17 under 35 U.S.C. 102(b) as being anticipated by Duccini et al, EP 812,905, is maintained for the reasons of record.
5. The rejection of claims 1-2, 4-11, and 16-17 under 35 U.S.C. 102(b) as being anticipated by Bory et al, U.S. Patent No. 5,747,442, is maintained for the reasons of record.
6. The rejection of claims 1-2, 4-10, and 12-17 under 35 U.S.C. 102(b) as being anticipated by Kimpton et al, U.S. Patent No. 5,650,473, is maintained for the reasons of record.

Response to Arguments

7. Applicant's arguments filed March 29, 2004 have been fully considered but they are not persuasive.

Applicant argues that Duccini et al, EP 812,905, does not teach or suggest the polymer of the present invention, which prevents the formation of a gel, thereby increasing the solubility rates of the single dose packets. However, the examiner respectfully asserts that this limitation argued by applicant does not appear in the claims as presently written, and thus is not accorded any patentable weight. Furthermore, the examiner asserts that even if the claims did recite this limitation, that Duccini et al would still anticipate the instant claims, since the increased solubility rate is an inherent property of the composition disclosed in Duccini et al. ***See MPEP 2111.02.*** Applicant further argues that Duccini et al does not teach or suggest a method for treating aluminum. However, the examiner respectfully asserts that Duccini et al does teach this method. Specifically, as outlined in the last Office action, Duccini et al clearly teaches that the dishwashing composition is used in a process to wash silverware (see page 4, line 19-page 5, line 48), which meets the requirements of instant claim 12. Applicant also argues that Duccini et al does not teach or suggest a rinse aid composition, as required in instant claim 16. However, the examiner asserts that the requirement of a "rinse aid composition used as a rinse aid" recited in instant claim 16 is an intended use limitation that is not accorded any patentable weight.

Applicant further argues that Bory et al, U.S. Patent No. 5,747,442, does not teach a detergent formulation that is formed into a single dose portion. However, the

examiner respectfully asserts that the pretreater composition in stick form disclosed by Bory et al meets the "single dose portion" requirement of the instant invention, since application of a detergent formulation in stick form would apply a single dose portion of the composition onto the treated substance. Applicant further argues that Bory et al does not teach or suggest a rinse aid composition, as required in instant claim 16. However, the examiner asserts that the requirement of a "rinse aid composition used as a rinse aid" recited in instant claim 16 is an intended use limitation that is not accorded any patentable weight. Applicant also argues that Bory et al does not disclose a method for treating aluminum, as required in instant claim 12. The examiner agrees with applicant on this point, and respectfully points out that instant claims 12-15 of the instant application, which are drawn to a method for treating aluminum, have not been rejected by Bory et al, U.S. Patent No. 5,747,442.

Applicant further argues that Kimpton et al, U.S. Patent No. 5,650,473, requires a water miscible solvent in forming their hydrophobically modified polymers, which is not required in the instant invention. However, the examiner asserts that the instant claims, as presently written, do not exclude the presence of water miscible solvents. Furthermore, the examiner respectfully asserts that the instant claims are directed toward compositions and method for using compositions, and not toward a process for making a composition, as argued by applicant.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Bm

Brian Mruk
June 7, 2004

Brian P. Mruk
Brian P. Mruk
Primary Examiner
Tech Center 1700